

### **REMARKS/ARGUMENTS**

Claims 1-29 are pending. The specification has been amended to reflect the claim of priority as recited in the executed declaration submitted to the Patent Office on January 7, 1998. The present application was filed on September 3, 1993, and the claim of priority was amended on January 7, 1998. As stated in the Office Action, a utility application filed under 35 U.S.C. 111(a) on or after November 29, 2000 must include a specific reference to the claim of priority in the specification during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the application to which priority is being claimed. The present application may be amended to recite the claim of priority without consideration of the above-referenced timing requirements because it is not "utility application filed under 35 U.S.C. 111(a) on or after November 29, 2000."

### **Double Patenting Rejection**

Claims 1-19 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-29 of copending Application no. 08/464,953. This is a provisional rejection. Upon an indication of allowable subject matter in application serial no. 08/464,953 and a properly raised double patenting rejection, Applicants will consider whether it is appropriate to file a terminal disclaimer in application serial no. 08/464,953.

**Rejection under 35 U.S.C. § 102**

Claims 1, 3, 16 and 17 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO92/05186 to Matteuci et al. ("the Matteuci reference"). The Office Action asserts that the Matteuci reference teaches synthetic methods that utilize modified nucleosides in which the 5' ortho may be substituted with  $\text{CH}_2\text{NH}_2$  when  $\text{R}_{1a}$  and  $\text{R}_{1b}$  are H (*see e.g.*, compound 5 in Figure 1A). Applicants traverse this rejection.

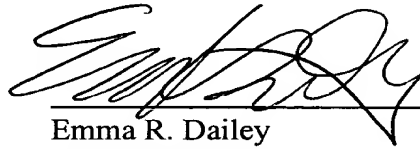
As identified in the Office Action, compound 5 in Figure 1A of the Matteucci reference has a 5'  $\text{CH}_2\text{NH}_2$  substituent. The claims, however, recite a 5'-O-position terminal substituent. The compound disclosed in the Matteucci reference does not possess the oxygen atom, and therefore, does not anticipate the claims. Applicants request reconsideration and withdrawal of the rejection.

**DOCKET NO.: ISIS-1169**  
**Applicati n No.: 08/117,363**  
**Office Action Dated: August 29, 2003**

**PATENT**

Applicants respectfully submit that the present claims are in condition for allowance and earnestly solicit a Notice of Allowability. Should there be any questions, the undersigned invites the Examiner to contact her at the number below.

Date: *October 10, 2003*



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